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Firm Email: info@gmlplaw.com

Phone: (403) 203-0107 - Facsimile (403) 203-0403
goodwin@gmlplaw.com & mckay@gmlplaw.com



The Burns Building, Suite 360, 237 – 8th Ave. S.E., Calgary, AB T2G 5C3

FACSIMILE No.: **(571) 273-8300**

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ATTENTION: **Examiner C.R. Richard**

VOICE No.:

COMPANY: USPTO Group Art Unit TC 1712

OUR FILE No.: 2180-001 Your File No.: 10/695,916 DATE: January 4, 2006

NOTES:

RESPONSE TO ELECTION REQUIREMENT

In re application of :

Smith et al. : Examiner: **C.R. Richard**

SERIAL NO. 10/695,916 : **Group Art Unit** 1712

FILED: October 30, 2003

TITLE: **PACKER FLUID**

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No. 9848 P. 2

Serial No. 10/695,916

Docket # 2180-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of

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SERIAL NO. 10/695,916

Group Art Unit 1712

FILED: October 30, 2003

TITLE: **PACKER FLUID**

January 4, 2006

U. S. Commissioner of Patents and Trade-Marks
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
U.S.A.

Via Facsimile to Technology Center 1712 (Before Final) 1-571-273-8300

Sir:

RESPONSE

This response is responsive to the Examiner's action dated December 8, 2005 and due January 8, 2006, without penalty.

REMARKS

Applicant elects, with traverse, the subject matter of the Examiner's **Invention Group I**, claims 1-41 directed to a packer fluid and related wellbore fluid and further Applicant elects with traverse the subject matter of Examiner's **Species Group I** directed to capping fluids for furthering prosecution. Applicant believes therefore that claims 1, 3, 4, 11, 12, 28, 30 and 31 will be further examined as a result of this election.

Should the election requirement be maintained, Applicant believes that the election made herein in no way reflects Applicant's belief regarding the patentability of the claims as originally filed and in no way surrenders Applicant's ability to file subsequent applications directed to non-elected subject matter.

Applicant provides the following arguments in support of withdrawal of the election requirements with respect to Examiner-identified **Invention Groups I and III** and **Species Groups I and II**.